



*Welcome to the
California Supreme Court,
the highest court in the state.*

*The court's primary role is to review
the decisions of the California Courts of Appeal
and superior courts and decide matters of
statewide importance in order to maintain
uniformity in the law throughout California.
California's judicial branch, which
includes 7 justices of the Supreme Court,
105 justices of the intermediate Courts of Appeal,
and approximately 1,600 superior court judges,
is the largest court system in the world.*



◆ THE COURT'S JURISDICTION

The Supreme Court is called the “court of last resort” in California because its decisions are binding on all other courts of this state. Under the state Constitution, the Supreme Court is required to review all death penalty judgments from the superior courts (the courts in which the trials of these cases originally took place). The Supreme Court has discretion to review decisions of the Courts of Appeal, the Public Utilities Commission (concerning, for example, utility regulation issues), the State Bar Court (attorney discipline), and the Commission on Judicial Performance (judicial discipline). In addition, the court has original jurisdiction in proceedings for “extraordinary relief,” such as petitions seeking writs of certiorari, mandate, prohibition, and habeas corpus.

Because the Supreme Court annually receives many thousands of requests to review legal matters, the justices spend a substantial amount of time deciding which cases they should review. In fiscal year 2005–2006, the court received more than 9,300 case filings.

◆ THE JUSTICES

When established in 1849 by California's first Constitution, the Supreme Court consisted of a Chief Justice and two associate justices who were elected by the Legislature for 6-year terms. Today, the court consists of a Chief Justice and six associate justices, all of whom are appointed by the Governor and confirmed by voters statewide for 12-year terms.



Supreme Court justices in the court's Sacramento courtroom in the Stanley Mosk Library and Courts Building. Left to right: Associate Justice Carlos R. Moreno, Associate Justice Joyce L. Kennard, Associate Justice Kathryn Mickle Werdegarr, Chief Justice Ronald M. George, Associate Justice Ming W. Chin, Associate Justice Marvin R. Baxter, and Associate Justice Carol A. Corrigan. Photo by Sirlin Photographers.

The Governor appoints members of the Supreme Court after an assessment by the State Bar's Judicial Nominees Evaluation Commission. The Commission on Judicial Appointments must confirm appointees. To be eligible for appointment, a person must have been an attorney admitted to practice in California or a judge of a court of record in the state for at least 10 years immediately before appointment.

All justices stand for confirmation for the remainder of their predecessor's unexpired term at the first statewide general election following their appointment and must appear on the ballot again for retention at the end of their term if they wish to continue to serve.

◆ THE COURT'S LOCATION

The court is headquartered at the Earl Warren Building in the state building complex in San Francisco's Civic Center. Because of damage to the building from the Loma Prieta earthquake, the court had to vacate the building in 1989. In early 1999, the court returned to its historic headquarters, where it first held oral argument in 1923. The Supreme Court's courtroom has been completely restored, with oak paneling, a 30-foot-high skylight, and a coffered ceiling.



The California Supreme Court is headquartered in the restored Earl Warren Building, pictured in the foreground of this aerial view of the state building complex in San Francisco. The court returned to this, its historic home, in January 1999. Photo by William A. Porter.

ing. Above the bench is a mural of a scenic California landscape painted by Marin County artist Willard Dixon. The courtroom's state-of-the-art technology allows it to broadcast oral argument sessions throughout the state building to accommodate overflow crowds. The courtroom also features listening devices for persons with a hearing loss.

◆ ORAL ARGUMENT

Supreme Court public proceedings are called “oral argument” calendar sessions. Oral argument, a tradition that dates back to the early days of the English court system, is also used in the Supreme Court of the United States and state appellate courts throughout the country.

Oral argument is the only opportunity the justices have to question the litigants or attorneys representing them about issues raised in their parties' legal briefs. Each side generally has 30 minutes to argue its case before the court. In death penalty appeals, that time may be extended to 45 minutes for each side.

In American appellate courts, it is customary for justices to interrupt an attorney's argument at any time to ask the advocate to address a specific point. The justices ask such questions from the bench to clarify issues of concern as they consider how to decide the case.

During oral argument, the justices sit on the bench in order of seniority, with the Chief Justice in the center and the most senior associate justices alternating on each side, starting to the Chief Justice's right.

The California Supreme Court hears oral argument during one week each month from September through June. Each year, four oral argument calendars are held in Los Angeles, four in San Francisco, and two in Sacramento. Occasionally, oral argument sessions are held elsewhere in the state. Throughout the year, the court remains open and engaged in case-related work.



*Headphones are available for persons with hearing loss.
Please request headphones from the courtroom staff.*

❖ COURTROOM STAFF

At each oral argument session, the Clerk of the Court or a member of his or her office sits at the head of the counsel table, directly in front of the bench, and calls the calendar. The California Highway Patrol serves as the court's bailiff, oversees security and decorum in the courtroom, and calls the court to order. In addition to counsel and court staff, visitors to calendar sessions include interested members of the public, the news media, and law school professors and students.

❖ HOW A CASE PROGRESSES THROUGH THE COURT

The California Supreme Court has discretion to decide whether it will accept any case, except for death penalty cases, which automatically are appealed directly to the court. The following process generally governs Supreme Court review.

WEEKLY CONFERENCE

The Court Decides Whether to Review a Case

A "petition for review" is filed with the court and scheduled for one of the court's weekly petition conferences, which are held each Wednesday, except when oral argument is scheduled. At these conferences, the court typically considers an average of 250 cases, most of which are petitions for review. The court has 60 days from the filing of the petition to decide whether to accept the case and may extend this time up to 30 additional days. Although the justices frequently prepare their own memoranda on these and related matters, most of these cases initially are assigned to one of the court's central staffs (civil or criminal) for preparation of a conference memorandum. The justices use the memoranda to assist them in assessing the merits of the cases and the importance of the issues involved. Certain memoranda in death penalty cases are prepared by the capital central staff and also are voted on at the Wednesday conference.

AFTER A CASE IS ACCEPTED

Preparing the Calendar Memorandum

In general, after a case has been accepted for review, the Chief Justice assigns the preparation of the calendar memorandum to one of the justices who voted to grant review. The calendar memorandum sets forth the facts, analyzes the legal issues in the case, makes a recommendation concerning the case's disposition, and is circu-

lated to all the justices. The justices individually review and respond to each circulating memorandum. After a majority of the justices indicate that they tentatively agree with the calendar memorandum or a revised or new memorandum, the Chief Justice sets the matter for oral argument.

ORAL ARGUMENT

Attorneys Appear Before the Court

Oral argument is described above. A case is "submitted" for decision after oral argument, or if post-argument briefs are ordered or permitted, at the time all briefing is completed. Generally, the court must issue a written decision in a case within 90 days after a case is submitted.

AFTER ORAL ARGUMENT

Assignment, Preparation, and Circulation of Proposed Opinions

The justices hold a conference on each case after oral argument. At this time, the justices take a tentative vote on the case. The justice assigned by the Chief Justice to write the majority opinion thereafter prepares and circulates the proposed majority opinion. All justices carefully review all circulated opinions—majority, concurring, dissenting, etc.—and are given time to write and circulate separate concurring or dissenting opinions. Typically, changes ranging from minor modifications to substantial rewriting are made to the original versions of circulated opinions before they are filed.

THE FINAL STEP

Filing the Court's Decision

After the justices complete their deliberations and have subscribed to the majority, concurring, or dissenting opinion, a "Notice of Forthcoming Filing" is filed with the Clerk's Office. That notice announces the date on which the court's written opinion will be filed.

For the convenience of the litigants, the public, and the press, decisions normally are filed at two set times each week: Mondays and Thursdays at 10 a.m. At those times, the decisions are sent to the Clerk's Office, stamped "Filed," and made public, both in hard copy



Supreme Court justices at their post-oral-argument conference. Photo by William A. Porter.

at the Clerk's Office and on the court's Web site (see front cover).

A decision does not become final until 30 days after the opinion has been filed, and the court may extend that time for an additional 60 days. In the interim, the court has discretion whether to grant a timely petition for rehearing or to modify its decision. If a petition for rehearing is granted, the process begins again, and a new calendar memorandum is prepared and circulated.

PUBLISHING THE SUPREME COURT'S DECISIONS

Official Reports and the California Courts Web Site

The court's opinions establish precedent that must be followed by all California appellate and superior courts. Opinions of the California Supreme Court are published in bound volumes called the *Official California Reports*, as well as by private publishers. As a service to the public, both Supreme Court and Court of Appeal opinions are posted at the time of filing to the California Courts Web site at www.courtinfo.ca.gov. The site also includes the Supreme Court's minutes, calendars, "Internal Operating Practices and Procedures," photographs and biographies of current justices, and a video overview of the court's history and procedures, called *Inside the Supreme Court*.

In addition to the Web site, the Supreme Court provides a computer terminal in its Clerk's Office to improve public access to detailed case docket information. The terminal allows the public and the press to obtain quick and accurate information about cases before the court.

A VISITORS' GUIDE to the SUPREME COURT of CALIFORNIA



EARL WARREN BUILDING
350 McAllister Street
San Francisco, California 94102-4797

STANLEY MOSK
LIBRARY AND COURTS BUILDING
Sacramento

RONALD REAGAN
STATE OFFICE BUILDING
Los Angeles

www.courtinfo.ca.gov/courts/supreme